

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Garry Pogil, Esq (ID No. 238612018)
1120 Avenue of the Americas, 4th Floor
New York, NY 10120
Tel: 212-626-6825

DEIDRA LOPEZ.		
	Plaintiff.	Civil Action No. 2:20cv11639
— against —		COMPLAINT &
UNITED STATES OF AMERICA	Defendant.	DEMAND FOR A JURY TRIAL

The Plaintiff, DEIDRA LOPEZ., (hereinafter “Ms. Lopez”) by her attorney, Garry Pogil, Esq, complaining of the defendant, UNITED STATES OF AMERICA (hereinafter “United States”), alleges as follows:

THE PARTIES

1. Ms. Lopez is an individual who resides at 99 Belmont Avenue, North Arlington, NJ 07031.
2. The United States is the proper defendant because the alleged medical malpractice was caused by North Hudson Community Action Corporation (hereinafter “NHCAC”) – a federally supported health center deemed a Public Health Service employee, pursuant to 42 U.S.C. §233. The address, pursuant to Fed.R.Civ.P. §4(i)(1)(A)(i), is United States Attorney, Craig Carpenito, 970 Broad Street, Suite 700, Newark, NJ 07102.

JURISDICTION

3. The District Court has exclusive jurisdiction under 28 U.S.C. §1346(b)(1).

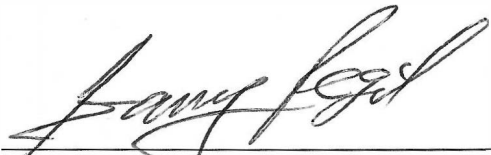
CAUSE OF ACTION (Negligence/Medical Malpractice)

4. Upon information and belief, the source of such information being NHCAC medical records, NHCAC conducted a cervical screening on Ms. Lopez three times, including in year 2016, however, irrespective of such, NHCAC failed to discover what should have been discovered: uterine fibroids/uterine tumor. As a result of such failure, Ms. Lopez was never advised of the existence of such fibroids/tumor, and Ms. Lopez was never treated and was never referred for treatment for such fibroids/tumor.
5. When Ms. Lopez presented to the emergency room at the Hackensack University Medical Center in July of 2017, the uterine tumor had doubled in size as compared to its size in October of 2014.
6. In August of 2017, Hackensack University Medical Center (specifically Dr. Amanda Ganza) performed a total hysterectomy.
7. The full extent of Ms. Lopez's injuries is not yet known; however, as a direct result of the foregoing, Ms. Lopez has undergone a hysterectomy and bilateral salpingectomy, on or about August 18, 2017, and continues to suffer physical pain and mental anguish, inability to have more children, sexual dysfunction and depression, all to her damage which exceeds the jurisdictional limits of all other courts.
8. This cause of action is timely pursuant to the Westfall Act, 28 U.S.C. 2679(d)(5) in that: the original complaint was filed in the New Jersey State Court on June 28, 2019 and the subject surgery occurred in August of 2017; the claim was presented to the appropriate

Federal agency within 60 days after the dismissal of the civil action (under Civil Action No. 19-19015); and the present lawsuit is being filed within six months after the Department of Health & Human Services issued its final determination on April 20, 2020.

WHEREFORE, the Plaintiff demands a trial by a jury and a judgment against the Defendant in the amount that exceeds the jurisdictional limits of all other courts where this action could have been brought, and for such further relief as this Court deems just and proper.

Dated: August 27, 2020

A handwritten signature in cursive script, appearing to read "Garry Pogil", is written over a horizontal line.

Garry Pogil (*Attorney for the Plaintiff*)
1120 Avenue of the Americas, 4th Floor
New York, NY 10120
Tel: 212-626-6825